

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 11-101—sHB 5802

Public Safety and Security Committee

Labor and Public Employees Committee

Judiciary Committee

Energy and Technology Committee

**AN ACT ADOPTING CERTAIN SAFETY RECOMMENDATIONS OF
THE THOMAS COMMISSION**

SUMMARY: This act codifies Executive Order No. 45 (issued by former Governor Rell), which prohibits anyone from using flammable gas to clean or blow an electric generating facility's (power plant) gas piping. It prohibits the Connecticut Siting Council from issuing a certificate to build a power plant unless the applicant demonstrates, to the council's satisfaction, that he or she (1) has retained, for the project's duration, at least one special inspector to help the local fire marshal review construction plans and inspect the facility during construction and (2) paid a fee the act establishes to be used to help train local fire marshals in power plant construction issues.

The act subjects to a fine of up to \$100,000, imprisonment for up to two years, or both, for each offense, anyone who (1) uses flammable gas to clean or blow a power plant's gas piping or (2) obtains a power plant building certificate and fails to retain the required special inspector or pay the fire marshal training fee.

The act requires the Siting Council to meet with and solicit comments from specified state agencies when considering applications to build power plants. It requires that at least once during construction, the council and some of the named agencies meet to discuss any known or potential safety issue at the plant and submit any proposed resolutions to the plant's special inspector.

EFFECTIVE DATE: Upon passage

SPECIAL INSPECTORS

Requirement to Retain Special Inspector and Pay Fee

The act requires anyone applying to the Connecticut Siting Council for a certificate to build a power plant or power storage facility to:

1. retain at least one special inspector to help the local fire marshal review construction plans and inspect the facility during construction to ensure compliance with recommended standards and
2. pay a fee to be used to help train local fire marshals on the complex issues of power plant construction.

The act requires the fee to be (1) established in accordance with CGS § 29-251c and (2) deposited in the "code training fund." (The section cited does not establish fees. Rather, it requires the public safety commissioner to adopt regulations to establish an administrative process to adjust the fees assessed under

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two other statutes and the portion of such fees that a municipal building department may retain for administrative cost (see BACKGROUND)).

Special Inspector's Duties

The special inspector must:

1. help the local fire marshal in his or her review and approval of cleaning methods for interior gas piping,
2. approve an appropriate safety plan for nonflammable gas blows conducted at the facility,
3. observe cleaning procedures to ensure compliance with the approved methods for cleaning interior gas piping, and
4. inspect the facility during construction to ensure compliance with the approved cleaning methods and the act.

Qualifications of Special Inspector for Power Plant

Anyone designated as a special inspector must:

1. be approved by the Siting Council and not be otherwise employed or financially involved in the power plant's construction or operation and
2. be licensed in Connecticut as a professional mechanical engineer or hold a commission from the National Board of Pressure Vessel Inspectors and have knowledge of and field experience in power plant construction.

HEARINGS

Power Plant Application

Before starting any hearing on a power plant application, the act requires the Siting Council to consult with and solicit written comments from the Council on Environmental Quality; the Office of Policy and Management; and the departments of Agriculture, Consumer Protection, Economic and Community Development, Emergency Management and Homeland Security, Environmental Protection, Labor, Public Health, Public Safety, Public Utility Control, Public Works, and Transportation.

Meetings During Construction of Power Plants

The act requires that at least once during construction of a power plant, the Siting Council and the following departments meet to discuss any known or potential safety issue at the facility and submit any proposed resolutions to the special inspector: Consumer Protection, Emergency Management and Homeland Security, Labor, Public Safety, and Public Works.

BACKGROUND

Connecticut Siting Council

This council has exclusive jurisdiction over most power plants.

In most cases, a developer must obtain a certificate of environmental

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compatibility and public need from the council before beginning work on a power plant (CGS § 16-50k(a)).

Fire Marshal Training Fees

The law requires the state building inspector and local building officials, as applicable, to assess an education fee on state and local building permit applications (CGS §§ 29-252a(b)(2) and 29-263(b)). The fee is 16 cents per \$1,000 of construction value as declared on the permit application, but may be adjusted downward or upward as the law specifies. The fees go into the state's General Fund and are credited to the Department of Public Safety appropriation for building and fire safety code training and education programs, except for a small percentage retained by towns for administrative expenses.

OLR Tracking: VR:JH:PF:df